

AMENDED IN ASSEMBLY JUNE 22, 2004

AMENDED IN ASSEMBLY JUNE 16, 2004

AMENDED IN ASSEMBLY MAY 27, 2004

AMENDED IN SENATE MARCH 3, 2004

SENATE BILL

No. 1085

Introduced by Senator Murray

(Coauthor: Senator Bowen)

(Coauthors: Assembly Members Benoit, Cox, and Maze)

January 5, 2004

An act to amend Sections 21464 and 42001 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1085, as amended, Murray. Vehicles: official traffic control signals: interruptive devices.

(1) Existing law prohibits a person from using, and prohibits any vehicle, other than an authorized emergency vehicle, from being equipped with, any device capable of sending a signal that interrupts or changes the sequence patterns of an official traffic control signal, unless that device or use is authorized by the Department of Transportation or local authorities, as specified. A willful violation of this prohibition that results in injury to, or the death of, a person is punishable by imprisonment in the state prison, or by imprisonment in a county jail for a period of not more than 6 months, and by a fine of not less than \$5,000 nor more than \$10,000. A willful violation of this prohibition that does not result in injury to, or the death of, a person is punishable by a fine of not more than \$3,000.

This bill would specify that this prohibition applies to a mobile infrared transmitter (MIRT).

The bill would increase to \$5,000 the maximum fine for a willful violation of the specified prohibition that does not result in injury to, or the death of, a person.

The bill would exempt a public transit passenger vehicle from the prohibition.

The bill would make it a *felony or a misdemeanor*, or an infraction, punishable as specified above, for a person to buy, possess, manufacture, install, sell, offer for sale, or otherwise distribute the above described devices, including a MIRT, unless the purchase, possession, manufacture, installation, sale, offer for sale, or distribution is for the use of the device by a peace officer or other person authorized to operate an authorized emergency vehicle or a public transit passenger vehicle in the scope of his or her duties. The bill, thereby, would establish a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) *This bill would become operative only if AB 340 is also enacted, amends Sections 21464 and 42001 of the Vehicle Code, and is chaptered before this bill.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21464 of the Vehicle Code is amended
2 to read:

3 21464. (a) A person, without lawful authority, may not
4 deface, injure, attach any material or substance to, knock down, or
5 remove, nor may a person shoot at, any official traffic control
6 device, traffic guidepost, traffic signpost, motorist callbox, or
7 historical marker placed or erected as authorized or required by
8 law, nor may a person without lawful authority deface, injure,
9 attach any material or substance to, or remove, nor may a person



1 shoot at, any inscription, shield, or insignia on any device, guide,
2 or marker.

3 (b) A person may not use, and a vehicle, other than an
4 authorized emergency vehicle or a public transit passenger
5 vehicle, may not be equipped with, any device, including, but not
6 limited to, a mobile infrared transmitter, that is capable of sending
7 a signal that interrupts or changes the sequence patterns of an
8 official traffic control signal unless that device or use is authorized
9 by the Department of Transportation pursuant to Section 21350 or
10 by local authorities pursuant to Section 21351.

11 (c) A person may not buy, possess, manufacture, install, sell,
12 offer for sale, or otherwise distribute a device described in
13 subdivision (b), including, but not limited to, a mobile infrared
14 transmitter (MIRT), unless the purchase, possession, manufacture,
15 installation, sale, offer for sale, or distribution is for the use of the
16 device by a peace officer or other person authorized to operate an
17 authorized emergency vehicle or a public transit passenger
18 vehicle, in the scope of his or her duties.

19 (d) Any willful violation of subdivision (a) , (b), or (c) that
20 results in injury to, or the death of, a person is punishable by
21 imprisonment in the state prison, or by imprisonment in a county
22 jail for a period of not more than six months, and by a fine of not
23 less than five thousand dollars (\$5,000) nor more than ten
24 thousand dollars (\$10,000).

25 (e) Any willful violation of subdivision (a) , (b), or (c) that does
26 not result in injury to, or the death of, a person is punishable by a
27 fine of not more than five thousand dollars (\$5,000).

28 (f) The court shall allow the offender to perform community
29 service designated by the court in lieu of all or part of any fine
30 imposed under this section.

31 SEC. 2. Section 42001 of the Vehicle Code is amended to
32 read:

33 42001. (a) Except as provided in subdivision (e) of Section
34 21464, or Section 42000.5, 42001.1, 42001.2, 42001.3, 42001.5,
35 42001.7, 42001.8, 42001.9, 42001.11, 42001.12, 42001.13,
36 42001.14, 42001.15, 42001.16, or subdivision (a) of Section
37 42001.17, or Section 42001.18, or subdivision (b), (c), or (d) of
38 this section, or Article 2 (commencing with Section 42030), every
39 person convicted of an infraction for a violation of this code or of

1 any local ordinance adopted pursuant to this code shall be punished
2 as follows:

3 (1) By a fine not exceeding one hundred dollars (\$100).

4 (2) For a second infraction occurring within one year of a prior
5 infraction which resulted in a conviction, a fine not exceeding two
6 hundred dollars (\$200).

7 (3) For a third or any subsequent infraction occurring within
8 one year of two or more prior infractions which resulted in
9 convictions, a fine not exceeding two hundred fifty dollars (\$250).

10 (b) Every person convicted of a misdemeanor violation of
11 Section 2800, 2801, or 2803, insofar as they affect failure to stop
12 and submit to inspection of equipment or for an unsafe condition
13 endangering any person, shall be punished as follows:

14 (1) By a fine not exceeding fifty dollars (\$50) or imprisonment
15 in the county jail not exceeding five days.

16 (2) For a second conviction within a period of one year, a fine
17 not exceeding one hundred dollars (\$100) or imprisonment in the
18 county jail not exceeding 10 days, or both that fine and
19 imprisonment.

20 (3) For a third or any subsequent conviction within a period of
21 one year, a fine not exceeding five hundred dollars (\$500) or
22 imprisonment in the county jail not exceeding six months, or both
23 that fine and imprisonment.

24 (c) A pedestrian convicted of an infraction for a violation of
25 this code or any local ordinance adopted pursuant to this code shall
26 be punished by a fine not exceeding fifty dollars (\$50).

27 (d) A person convicted of a violation of subdivision (a) or (b)
28 of Section 27150.3 shall be punished by a fine of two hundred fifty
29 dollars (\$250), and a person convicted of a violation of subdivision
30 (c) of Section 27150.3 shall be punished by a fine of one thousand
31 dollars (\$1,000).

32 (e) Notwithstanding any other provision of law, any local
33 public entity that employs peace officers, as designated under
34 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
35 the Penal Code, the California State University, and the University
36 of California may, by ordinance or resolution, establish a schedule
37 of fines applicable to infractions committed by bicyclists within its
38 jurisdiction. Any fine, including all penalty assessments and court
39 costs, established pursuant to this subdivision shall not exceed the
40 maximum fine, including penalty assessment and court costs,



1 otherwise authorized by this code for that violation. If a bicycle
2 fine schedule is adopted, it shall be used by the courts having
3 jurisdiction over the area within which the ordinance or resolution
4 is applicable instead of the fines, including penalty assessments
5 and court costs, otherwise applicable under this code.

6 SEC. 3. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

15 SEC. 4. *This act shall become operative only if AB 340 is*
16 *enacted on or before January 1, 2005, amends Sections 21464 and*
17 *42001 of the Vehicle Code, and AB 340 is chaptered before this bill.*

